



7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1211]

Certain Vaporizer Cartridges and Components Thereof

Notice of Institution

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 10, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Juul Labs, Inc. of San Francisco, California. Supplements to the complaint were filed on July 21, 2020, and July 31, 2020. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaporizer cartridges and components thereof by reason of infringement of U.S. Design Patent No. D842,536 (“the ’D536 patent”); U.S. Design Patent No. D858,870 (“the ’D870 patent”); U.S. Design Patent No. D858,869 (“the ’D869 patent”); and U.S. Design Patent No. D858,868 (“the ’D868 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 10, 2020, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of the claim of the 'D536 patent; the claim of the 'D870 patent; the claim of the 'D869 patent; and the claim of the 'D868 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "vaporizer cartridges and components thereof containing a space to hold a vaporizable liquid substance that can be vaporized after the cartridge is inserted into a vaporizer device";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Juul Labs, Inc.

560 20th Street

San Francisco, CA 94107

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

101 Smoke Shop, Inc.

3266 Cahuenga Blvd. West,

Los Angeles, CA 90068

2nd Wife Vape

1195 Fm 156 S

Suite 140

Haslet, TX 76052

Access Vapor LLC
6550 International Drive
Suite 103
Orlando, FL 32819

All Puff Store
6801 Engle Rd.
Suite E
Middleburg Heights, OH 44130

Alternative Pods
4860 Rhiannon Ct
Palatine, IL 60067

Ana Equity LLC
6550 International Drive
Suite 103
Orlando, FL 32819

Aqua Haze LLC
12801 N Stemmons Fwy
Suite 809
Farmers Branch, TX 75234

Cali Pods

PO Box 41387

Houston, TX 77241

Canal Smoke Express, Inc.

383 Canal St.,

New York, NY 10013

CaryTown Tobacco

1701 E Main St.

Richmond, VA 23223

Cigar Road, Inc.

23315 Mulholland Drive

Woodland Hills, CA 91364

Cloud 99 Vapes

50 2nd Ave,

New York, NY 10003

DripTip Vapes LLC

151 N. Nob Hill Rd. #115

Plantation, FL 33325

Shenzhen Azure Tech USA LLC f/k/a DS

Vaping P.R.C.

10th Fl. ChongQing Rd.

Fuyong, Shenzhen, Guangdong, China, 518100

eCig-City

1400 University Ave.

STE A107,

Riverside, CA 92507

Ejuicedb

105 Route 109

Farmingdale, NY 11735

eLiquid Stop

101 N Verdugo Rd., #11701

Glendale, CA 91226

Eon Pods LLC

155 Washington St.,

Jersey City, NJ 07302

Evergreen Smokeshop

3221 Foothill Blvd.,

Oakland, CA 94601

EZFumes

2900 Highway 121,

STE 165

Bedford, TX 76021

Guangdong Cellular Workshop Electronic

Technology Co., Ltd.

888 BBK Avenue, Jiangbei Village,

Wusha Community, Changan Town, Dongguan

City,

Guangdong China, 523068

JC Pods

1410 Kirk Street

Elk Grove Village, IL 60007

Jem Pods, U.S.A.

8411 Lake Drive

Snellville, GA 30039

JUULSite Inc.

411 Country Club Dr.

Bensenville, IL 60106

Keep Vapor Electronic Tech. Co., Ltd.

Block D, XinLong Techno Park

Shaling Town, Bao'an District

Shenzhen, China 518101

Limitless Accessories, Inc.

8712 Kathleen Lane

Tinley Park, IL 60487

Midwest Goods, Inc.

1019 Entry Dr.

Bensenville, IL 60106

Modern Age Tobacco

1122 W. University Avenue,

Gainesville, FL 32601

Mr. Fog
605 Country Club Drive
Bensenville, IL 60106

Naturally Peaked Health Co.
16 Mt. Ebo Rd. S
Suite 13
Brewster, NY 10509

Nilkant 167 Inc.
167 Newbury St.,
Boston, MA 02116

Perfect Vape LLC
2305 S Agnew Ave.
Oklahoma City, OK 73108

Price Point NY
500 Smith Street
Farmingdale, NY 11735

Puff E-Cig
3 Mountain Dr.
Imlay City, MI 48444

Shenzhen Apoc Technology Co., Limited

1402, Yunhua Shidai, Haoxiang Road

Shajing Town, Bao'an District

Shenzhen, China 518101

Shenzhen Bauway Technology Ltd.

Building B5, Linpokeng 1st Industrial Zone,

Haosan, Nanpu Road

Shajing Street, Bao'an District

Shenzhen, Guangdong, China, 518104

Shenzhen Ocity Times Technology Co., Ltd.

5th Floor, Unit B, Mingyou Industry Park,

Baoyuan Road

Bao'an District

Shenzhen, Guangdong, China, 518102

Shenzhen Yark Technology Co., Ltd.

3 Floor of No.14 SongShang West Road

BoGang Community Xinsha Road Of Shajing

District Bao'an

Shenzhen, China, 518125

Sky Distribution LLC

P.O. Box 1325

Addison, IL 60101

Smoker's Express

3029 E. Walton Blvd.

Auburn Hills, MI 48326

The Kind Group LLC

1808 Brielle Ave.

Ocean, NJ 07712

Tobacco Alley of Midland

1011 N. Midkiff Road,

Midland, TX 79701

Valgous

411 Country Club Dr.

Bensenville, IL 60106

Vape Central Group

203 NE 1st Avenue

Hallandale, FL 33009

Vape 'n Glass
283 N. Barrington Road,
Streamwood, IL 60107

Vaperistas
591 N. Edgewood Ave
Wood Dale, IL 60191

Vapers&Papers, LLC
714 Stanley St.
Schenectady, NY 12307

WeVapeUSA
1479 E.15th St.
Brooklyn, NY, 11230

Wireless N Vapor Citi LLC
393 Waller Avenue
Suite 3
Lexington, KY 40504

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 10, 2020.

Lisa Barton,
Secretary to the Commission.